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**HOUSE BILL 1661**

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**State of Washington 67th Legislature 2022 Regular Session**

**By** Representatives Shewmake, Ryu, Berry, Fitzgibbon, Ramel, Springer, Duerr, Walen, Callan, Goodman, Paul, Peterson, Ramos, Rule, Simmons, Slatter, Tharinger, Kloba, Pollet, and Harris-Talley; by request of Department of Natural Resources

AN ACT Relating to conserving and restoring kelp forests and eelgrass meadows in Washington state; adding a new section to chapter 79.135 RCW; and creating a new section.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  (1) The legislature finds that coastal ecosystems and marine vegetation provide an array of valuable ecosystem goods and services to deep water and nearshore environments in Puget Sound and along the coastline. In particular, kelp forests and eelgrass meadows act as three dimensional foundations for diverse and productive nearshore ecosystems, supporting food webs and providing important habitat for a wide array of marine life, including orcas and threatened and endangered salmon and salmonid species. These marine forests and meadows play an important role in climate mitigation and adaptation by sequestering carbon and relieving ocean acidification. Marine vegetation can sequester up to 20 times more carbon than terrestrial forests, and therefore represent a critical tool in the fight against climate change.

(2) Washington state is home to 22 species of kelp and is a global hotspot for kelp diversity. However, these kelp forests are under threat and have declined in recent decades. A 2018 study conducted by the Samish Indian Nation on the bull kelp beds in the San Juan Islands found a 305-acre loss of kelp beds from 2006 to 2016, a 36 percent decline in one decade. A statewide study published in 2021 by the department of natural resources found that compared to the earliest baseline in 1878, the amount of bull kelp in 2017 had decreased by 63 percent in south Puget Sound, with individual areas showing up to 96 percent loss.

(3) The legislature also finds that kelp and eelgrass have important cultural value to northwest tribal nations and have provided diverse marine resources that have sustained and inspired indigenous traditions over generations. In particular, bull kelp has played a prominent role in traditional knowledge and technology and is used in fishing, hunting, and food preparation and storage. Decline in kelp forests threatens these uses, and the cultural livelihoods of coast Salish peoples.

(4) Washington state's eelgrass meadows also provide vital habitat for many organisms, including nursery habitat for juvenile salmon and feeder fish. Eelgrass also helps prevent erosion and maintain shoreline stability by anchoring seafloor sediment with its spreading roots and rhizomes. Eelgrass is used as an indicator of estuary health, because of its fast response to changes in water quality. Examples of rapid eelgrass loss include Westcott Bay in San Juan county, where in 2000 there were 37 acres of eelgrass meadows and 20 years later less than one acre remains. Changes in the abundance or distribution of this resource are likely to reflect changes in environmental conditions and therefore are key species to monitor and protect to ensure marine ecosystem health.

(5) Kelp forests and eelgrass meadows also provide and enhance diverse recreational opportunities, including productive fishing and picturesque kayaking and diving. These activities are important for local economies and for promoting strong senses of place and overall human well-being in communities. There is a need for greater education and outreach to communities to promote sustainable recreational practices in and near kelp forests and eelgrass meadows.

(6) Existing regional plans for conservation of kelp forests and eelgrass meadows, including the Puget Sound kelp conservation and recovery plan (2020) and the Puget Sound eelgrass recovery strategy (2015), identify the need to prioritize areas for conservation and restoration based on historical and current distributions.

(7) The legislature further finds that our terrestrial and marine ecosystems are interlinked and the state must be proactive in conserving our resources from trees to seas by protecting and restoring our marine forests and meadows in concert with conservation and reforestation of terrestrial forests. Therefore, it is the intent of the legislature to conserve and restore 10,000 acres of kelp forests and eelgrass meadows by 2040.

NEW SECTION. **Sec.**  A new section is added to chapter 79.135 RCW to read as follows:

(1) The department shall, consistent with this section, and subject to available funding, work with partners to establish a kelp forest and eelgrass meadow health and conservation plan that endeavors to, by the year 2040, conserve and restore at least 10,000 acres of kelp forests and eelgrass meadows. The plan should proactively and systematically address:

(a) The potential loss of kelp forest and eelgrass meadow habitat throughout Puget Sound and along the Washington state coastline; and

(b) Potential current and future stressors related to the decline of kelp forests and eelgrass meadows.

(2) The department shall develop the plan, in collaboration with partners, to assess and prioritize areas for coordinated conservation and restoration actions. The plan must consist of the following elements: Assessment and prioritization; identifying coordinated actions and success measures; monitoring; and reporting.

(a) The department shall, together with partners, develop a framework to identify and prioritize kelp forest areas in greatest need of conservation or restoration. The framework must incorporate:

(i) Conservation of kelp forests and eelgrass meadows. Utilize and build on existing research to map and prioritize areas of kelp forests and eelgrass meadows throughout Puget Sound and along the coast that are at highest risk of permanent loss, or contribute significant environmental, economic, and cultural benefits to tribal nations and local communities, including salmon recovery and water quality, and where opportunities for partnership and collaboration can accelerate progress towards the goal, and develop criteria by which an acre of kelp forests and eelgrass meadows can be considered to be conserved or restored;

(ii) Map and prioritize kelp forest and eelgrass meadow areas throughout Puget Sound and along the coast where they were historically present, identifying priority locations for restoration, and where opportunities for partnership and collaboration exist that will accelerate progress towards the goal. This should include identification of sites where restoration may be possible and would most benefit nearshore ecosystem function, including where restoration could also support healthy kelp forests and eelgrass meadows, salmon recovery, water quality, and other ecosystem benefits;

(iii) Identify potential stressors impacting the health and vitality of kelp forests and eelgrass meadows in prioritized areas in order to specifically address them in conservation and restoration efforts.

(b) The department shall collaborate with impacted tribal nations, and other local and regional partners, to address conservation and restoration needs in the priority areas and the appropriate tools and partnerships to address them. In developing coordinated actions and success measures, the department shall:

(i) Conduct an assessment and inventory of existing tools relevant to conserving and restoring kelp forests and eelgrass meadows and reducing stressors related to their decline;

(ii) Identify new or amended tools that would support the goals of the plan created under this section; and

(iii) Identify success measures to track progress toward the conservation and restoration goal.

(3)(a) By December 1, 2022, the department must submit a report in compliance with RCW 43.01.036 to the office of financial management and the appropriate committees of the legislature, that includes a map and justification of identified priority areas, determines an approach to monitoring the kelp forest and eelgrass meadow areas that are meeting the criteria for conservation or restoration established in the plan, and describe activities to be undertaken consistent with the plan. The kelp forest and eelgrass meadow health and conservation plan must be finalized and submitted to the office of financial management and the appropriate committees of the legislature by December 1, 2023.

(b) Subsequently, each biennium, the department shall continue to monitor the distributions and trends of kelp forests and eelgrass meadows to inform adaptive management of the plan and coordinated partner actions. The department shall submit a report to the legislature that describes the kelp forest and eelgrass meadow conservation priority areas, and monitoring approaches and findings, including success measures established in the plan. Beginning December 1, 2024, and by December 1st of each even-numbered year thereafter, the department shall provide the appropriate committees of the legislature and the office of financial management with:

(i) An updated map of distributions and trends, and summary of success measures and findings, including relevant information from the prioritization process;

(ii) An updated list summarizing potential stressors, prioritized areas, and corresponding coordinated actions and success measures. The summary must include any barriers to plan implementation and legislative or administrative recommendations to address those barriers;

(iii) An update on the number of acres of kelp forests and eelgrass meadows conserved by region, including restoration or loss in priority areas; and

(iv) An update on consultation with impacted tribal nations and local communities by region.

(4) In developing the plan, the department shall:

(a) Consult impacted communities using the community engagement plan developed under RCW 70A.02.050; and

(b) Invite input from federally recognized tribal nations on kelp forests and eelgrass meadows with important cultural and ecological values that are threatened by urbanization or other disturbances.

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